

351—12.11(17A,68B) Effect of a declaratory order. A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. The order is binding on the board, the petitioner, and any intervenors who consented to be bound. An order is applicable only in circumstances when the relevant facts and the laws, rules, policies, decisions, or orders involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the board. The issuance of a declaratory order constitutes final agency action on the petition for a declaratory order. A declaratory order is in effect on the date of issuance.